

TOWN OF DAVIE

TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP, Development Services Director
Prepared by: Larry A. Peters, P.E., Town Engineer (954) 797-1113

SUBJECT: Resolution

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM:

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM DMS GENERAL CONTRACTOR INC, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF:

The Town Engineering Staff has determined that it is necessary for the benefit of the residents of the Town that certain utility improvements be maintained. In order to accomplish this goal, the Town Staff has obtained from property owner, DMS General Contractor Inc, the necessary utility easement needed by the Town. Copy of the utility easement is attached to the accompanying Resolution and Town Council approval is necessary for the Town to accept from DMS General Contractor Inc the needed utility easement and to authorize the recordation of same in the Public Records of Broward County, Florida

PREVIOUS ACTIONS: None

CONCURRENCES:

FISCAL IMPACT: Not Applicable

RECOMMENDATION(S):

The Town Engineering Division recommends that the Town Council approve the attached Resolution and authorize acceptance of the utility easements and authorize recording of same in the Public Records of Broward County, Florida

Attachment(s): Resolution, utility easement and sketch of survey

RESOLUTION R-2006

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, ACCEPTING CERTAIN EASEMENTS FROM DMS GENERAL CONTRACTOR INC, PROPERTY OWNER; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Town of Davie recognizes the need to obtain certain utility easement located within the Town Limits' and

WHEREAS, it has been determined that such utility easement will be a benefit to the Town and its residents; and

WHEREAS, the Town is in need of obtaining certain utility easement from property owner, DMS General Contractor Inc., in order to reserve land for possible utility improvements; and

WHEREAS, the Town has received from property owner, DMS General Contractor Inc, the necessary utility easement, copy of which is attached hereto, which will enable future utility improvement and maintenance.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie, Florida does hereby authorize the Town to accept from the property owner the attached utility easements and to record same in the

Public Records of Broward County, Florida.

SECTION 2. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2006.

TOWN CLERK

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2006

Prepared By:
Charles E. Butler III
315 SE 7th St-1st Fl
Ft. Lauderdale, FL 33301
(954) 377-6300

UTILITY EASEMENT AGREEMENT

This utility agreement executed this 28th day of April, 2006, **DMS GENERAL CONTRACTOR, INC.**, Grantor whose address is 540 East Mt. Vernon Drive, Ft. Lauderdale, Florida 33325 is legal owner of the referenced property and conveys to the Town of Davie, Florida, a municipal corporation located in Broward County, Florida (Grantee) a utility easement.

Grantors warrant that Grantors are the fee owners of certain real estate situated in the Town of Davie, County of Broward, State of Florida, which is legally described in Exhibit A attached hereto and incorporated herein by reference, (the "Premises") and

Grantors hereto have determined that it is in Grantors best interests for the grantors to grant the Town of Davie as hereinafter described for utility purposes.

Therefore, in consideration of the foregoing:

1. The grantors hereby grant and convey to the Town of Davie a non-exclusive perpetual utility easement (which can be over, under and across the "easement area" hereinafter defined), including the right to ingress and egress to the easement, for construction, reconstruction, alteration, maintenance and repair (to the extent the Town of Davie considers desirable) but solely for the purposes of providing utility service to the Premises, of pipes and other necessary or desirable appurtenances to and/or for a utility system and/or utility facilities, the "Easement Area" being described as follows which are located in Broward County, Florida:

The south 12 feet together with the east 12 feet of the Premises described in Exhibit A.

A Sketch of Utility Easement is attached hereto as Exhibit B

2. All rights, title and privileges to the easement herein granted shall run with the land and shall be binding upon Grantors and all persons claiming by, through or under Grantors and inure to the benefit of the Town of Davie, Florida, its successors and assigns. Grantor will defend the title to said easement against all persons claiming by, through or under Grantor.

IN WITNESS WHEREOF, the Grantors have hereunto set their hands and seals to this
Utility Easement this 23rd day of April, 2006.

WITNESSES:

Andrea Schiller
Print Name: Andrea Schiller

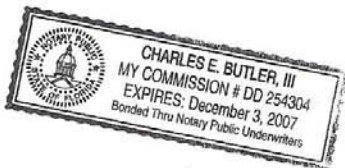
Print Name: Charles E. Butler III

GRANTORS:

Dennis M. Schiller Pres.
Grantor for SWS General Contractor Inc.
Grantor

**STATE OF FLORIDA
COUNTY OF BROWARD**

The foregoing instrument was acknowledged before me this 23rd day of April, 2006
by Dennis Schiller Pres. and _____ who are personally
known to me to have produced _____ as identification and who
did/did not take an oath.



NOTARY PUBLIC

Charles E. Butler III
Printed Name of Notary
My Commission Expires:

WITNESSES:

GRANTEE:

Print Name: _____

Print Name _____

Print Name _____

The North 106.00 feet of the West 305.36 feet of Tract 12, less the South 25.00 feet for road,
Together with the South 99.00 feet of the West 305.36 feet of Tract 13 in Section 13,
Township 50 South. Range 40 East according to the FLORIDA FRUIT LANDS
COMPANY'S SUBDIVISION NO. 1 as recorded in Plat Book 2, Page 17, less the East
25.00 feet thereof, said lands situate, lying and being in the Town of Davie, Broward
County, Florida.
a/k/a Lot 26, Little Country Estates.

SKETCH OF DESCRIPTION

A PORTION OF TRACTS 12 & 13, SECTION 13-50-40, FLORIDA FRUIT LANDS COMPANY
SUBDIVISION NO. 1

DESCRIPTION: PROPOSED 12' UTILITY EASEMENT

The south 12 feet together with the east 12 feet of the following described parcel:

The north 106.00 feet of the west 305.36 feet of Tract 12, less the south 25.00 feet for road. Together with the south 99.00 feet of the west 305.36 feet of Tract 13 in Section 13, Township 50 South, Range 40 East according to the FLORIDA FRUIT LANDS COMPANY'S SUBDIVISION NO. 1 as recorded in Plat Book 2, Page 17, Less the East 25.00 feet thereof, said lands situate, lying and being in the Town of Davie, Broward County, Florida.

a.k.a. Lot 26, Little Country Estates (unrecorded).

SURVEYOR'S REPORT/NOTES:

(1) This sketch does not represent a field survey.

LEGEND

☉ centerline



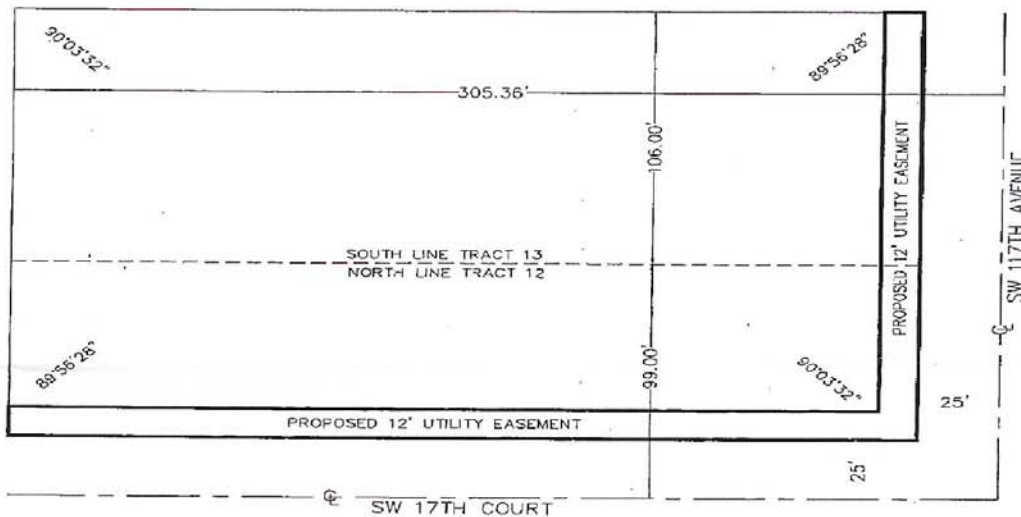
THIS
SKETCH

SW 14TH STREET

| | |
|----|---|
| 16 | 1 |
| 15 | 2 |
| 14 | 3 |
| 13 | 4 |
| 12 | 5 |
| 11 | 6 |
| 10 | 7 |
| 9 | 8 |

HIATUS ROAD

LOCATION MAP
NOT TO SCALE



Roger J. Dietz
P.S.M. No. 4811
State of Florida
for LB #4545

Not valid without the signature
and the original raised seal of a
Florida licensed surveyor and
mapper

DIETZ & DIETZ LAND SURVEYORS, INC.

5781 W. Sunrise Blvd., Plantation, Florida 33313

(954) 327-0988

FOR: DMS CONSTRUCTION

DATE: 4-18-06

ORDER NO.: 0604044

FIELD BOOK: FILE

| DATE | REVISION | ORDER # |
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DRAWING FILE: FF13N106 500